



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

June 4, 2009

Jeanette Wolfley  
Special Counsel  
Shoshone-Bannock Tribes  
202 N. Arthur  
Pocatello, ID 83202

*RE: Subcase No. 27-12095 (Torgesen Ranch)*

Dear Jeanette:

I am enclosing a Standard Form 5 ("SF5") for the above-referenced water right. If the SF5 is acceptable please sign, initial the revised recommendation and forward the original SF5 to Rob Harris with a request the he return the SF5 to me after he signs. I'll obtain the remaining signatures and file the SF5 with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams", with a stylized flourish at the end.

Ray Williams  
Paralegal

Enclosure

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | Subcase No. 27-12095     |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT:**  
Torgesen Ranch, Inc.

**OBJECTOR:**  
Shoshone-Bannock Tribes

\_\_\_\_\_  
Robert L. Harris                      Date  
Attorney for Claimant

\_\_\_\_\_  
Jeanette Wolfley                      Date  
Attorney for Objector

**RESPONDENT:**

State of Idaho

\_\_\_\_\_  
David J. Barber                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Michael Holliday                      Date  
Senior Water Resource Agent

\_\_\_\_\_  
Garrick L. Baxter                      Date  
Deputy Attorney General  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED  
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12095

NAME AND ADDRESS:

TORGESEN RANCH INC  
C/O KENT FOSTER  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405

SOURCE:

Source:

UNNAMED STREAMS  
SPRINGS

Tributary:

BLACKFOOT RIVER  
-SINKS

QUANTITY:

0.020 CFS

2.110 AFY

Right Nos. 27-12094, 27-12095, and 27-11344 are limited to a total combined annual diversion volume of 2.11 AF.

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1946

POINT OF DIVERSION:

T07S R42E S36 NWNWNE End of Stream Flow  
Within CARIBOU County

T07S R42E S36 NWNWNE End of Stream Flow  
Within CARIBOU County

T07S R42E S36 SENWNE Begin of Stream Flow  
Within CARIBOU County

T07S R42E S36 NENW End of Stream Flow  
Within CARIBOU County

T07S R42E S36 NWNENW Begin of Stream Flow  
Within CARIBOU County

T07S R42E S36 SWNENW Begin of Stream Flow  
Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 10/01

04/01 11/01

0.020 CFS 2.11 AFY

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED  
WATER RIGHTS ACQUIRED UNDER STATE LAW

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PLACE OF USE: STOCKWATER within CARIBOU County  
T07S R42E S36 NWNE  
T07S R42E S36 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use  
Stockwater use is for 250 cow-calf pairs.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P.O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

SHOSHONE-BANNOCK TRIBES  
Represented by:  
JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
202 N. ARTHUR  
POCATELLO, ID 83202

TORGESSEN RANCH, INC.  
Represented by:  
KENT W FOSTER  
1000 RIVERWALK DR., STE. 200  
P.O. BOX 50130  
IDAHO FALLS, ID 83405

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV. CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
P.O. BOX 44449  
BOISE, ID 83711-4449

IDWR REPOSITORY  
P.O. BOX 83720  
BOISE, ID 83720-0098

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Signature of person or attorney mailing form